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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,087	12/31/2003	Michael Thomas Spoltore	H0006017-0555	1901

7590 08/09/2005  
HONEYWELL INTERNATIONAL, INC.  
LAW DEPARTMENT  
101 COLUMBIA ROAD  
MORRISTOWN, NJ 07692

EXAMINER
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NGUYEN, HUNG T

ART UNIT	PAPER NUMBER
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2636

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/750,087

Applicant(s)

SPOLTORE ET AL.

Examiner

Hung T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 12, 21, 23 & 33-36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the presence" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the group" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the location" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim 12 recites the limitation "the last known" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 21 recites the limitation "the presence" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 21 recites the limitation "the location" in line 4. There is insufficient antecedent basis for this limitation in the claim.

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Claim 21 recites the limitation "the group" in line 7. There is insufficient antecedent basis for this limitation in the claim.

Claim 23 recites the limitation "the last known" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 33 recites the limitation "the presence" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 33 recites the limitation "the location" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 33 recites the limitation "the group" in line 8. There is insufficient antecedent basis for this limitation in the claim.

Claim 34 recites the limitation "the group" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 34 recites the limitation "the location" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claims 35-36 recites the limitation "the step" in line 2. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who

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has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-4, 9, 12, 15, 17-18, 20-23, 26, 28-29, 31-32, 34-39 are rejected under 35 U.S.C. 102(e) as being anticipated by McKay Patent Application Publication (U.S. 2001/0036832).

Regarding claim 1, McKay disclose a system (30) for providing assistance to emergency personnel (14) / a building (12) is on fire condition [ fig.1-2, paragraphs 0013-0014 ] comprising:

- means for detecting presence of personnel / firefighters (14) within a protected promises (12) at a real time [ fig.1-2, paragraphs 0012-0014 ];
- means for displaying by a computer monitor (46) the presence of the firefighters (14) within a protected promises at a real time [ fig.1-2, paragraphs 0013-0014 ].

Regarding claims 2-4, McKay disclose the system for providing assistance to emergency personnel (14) / a building (12) is on fire condition from a fire truck having a server (128) comprising a memory device for storing data information as each of the firefighter (14) having a

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tag (16,40) is attached for monitoring condition of firefighter in three positioning (32,33,34) at a real time period [ fig.1-2,6, paragraphs 0014, 0019, 0022 ].

Regarding claims 9 & 15, McKay does teach the system is used for fire department could be included various environmental sensor as temperature, infrared, oxygen, gas or so on may connect to wearable computer (102) for firefighter to detecting the condition in the fire building (12) [ fig.5, paragraph 0018 ].

Regarding claims 12 & 23, McKay disclose the system for providing assistance to emergency personnel (14) / a building (12) is on fire condition from a fire truck having a server (128) comprising a memory device for storing data information as each of the firefighter (14) having a tag (16,40) is attached for monitoring condition of firefighter in three positioning (32,33,34) at a real time period [ fig.1-2,6, paragraphs 0014, 0019, 0022 ].

Regarding claims 17-18, McKay disclose the system for providing assistance to emergency personnel (14) / a building (12) is on fire condition [ fig.1-2, paragraphs 0013-0014 ] comprising:

- means for detecting the presence of personnel / firefighters (14) having a tag (16,40) within a protected promises (12) at a real time by a wireless signal / GPS receiver [ fig.1-2, paragraphs 0012-0014 ];
- means for displaying by a computer monitor (46) the presence of the firefighters (14) within a protected promises at a real time which having a circuit component / microprocessor in the computer system (44) is inherently [ fig.1-2, paragraphs 0013-0014 ].

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Regarding claims 20 & 31, McKay disclose the system (30) is installed in an emergency fire truck (18) which to monitor the firefighters (14) in the building (12) is on fire condition by a remote signal [ figs.1-2,5 paragraphs 0013-0014 and 0018 ];

- means for detecting the presence of personnel / firefighters (14) having a tag (16,40) within a protected promises (12) at a real time by a wireless signal / GPS receiver [ figs.1-2, 5paragraphs 0012-0014 and 0018 ];

- means for displaying by a computer monitor (46) the presence of the firefighters (14) within a protected promises at a real time from the emergency fire truck [ fig.1-2, paragraphs 0013-0014 ].

Regarding claim 21, McKay disclose a system (30) for providing assistance to emergency personnel (14) / a building (12) is on fire condition [ fig.1-2, paragraphs 0013-0014 ] comprising:

- means for detecting presence of personnel / firefighters (14) within a protected promises (12) at a real time [ fig.1-2, paragraphs 0012-0014 ];

- means for displaying by a computer monitor (46) the presence of the firefighters (14) within a protected promises at a real time [ fig.1-2, paragraphs 0013-0014 ];

- the system for providing assistance to emergency personnel (14) / a building (12) is on fire condition from a fire truck having a server (128) comprising a memory device for storing data information as each of the firefighter (14) having a tag (16,40) is attached for monitoring condition of firefighter in three positioning (32,33,34) at a real time period [ fig.1-2,6, paragraphs 0014, 0019, 0022 ].

Regarding claims 22-23, McKay does teach the system is used for fire department could be included various environmental sensor as temperature, infrared, oxygen, gas or so on may connect to wearable computer (102) for firefighter to detecting the condition in the fire building (12) [ fig.5, paragraph 0018 ]; and

- means for displaying by a computer monitor (46) the presence of the firefighters (14) within a protected premises at a real time [ fig.1-2, paragraphs 0013-0014 ];
- the system for providing assistance to emergency personnel (14) / a building (12) is on fire condition from a fire truck having a server (128) comprising a memory device for storing data information as each of the firefighter (14) having a tag (16,40) is attached for monitoring condition of firefighter in three positioning (32,33,34) at a real time period [ fig.1-2,6, paragraphs 0014, 0019, 0022 ].

Regarding claim 26, McKay does teach the system is used for fire department could be included various environmental sensor as temperature, infrared, oxygen, gas or so on may connect to wearable computer (102) for firefighter to detecting the condition in the fire building (12) [ fig.5, paragraph 0018 ].

Regarding claims 28-29, McKay disclose the system for providing assistance to emergency personnel (14) / a building (12) is on fire condition [ fig.1-2, paragraphs 0013-0014 ] comprising:



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- means for detecting the presence of personnel / firefighters (14) having a tag (16,40) within a protected promises (12) at a real time by a wireless signal / GPS receiver [ fig.1-2, paragraphs 0012-0014 ];
- means for displaying by a computer monitor (46) the presence of the firefighters (14) within a protected promises at a real time which having a circuit component / microprocessor in the computer system (44) is inherently [ fig.1-2, paragraphs 0013-0014 ].

Regarding claim 32, McKay disclose the system (30) for providing assistance to emergency personnel (14) / a building (12) is on fire condition [ fig.1-2, paragraphs 0013-0014 ] comprising:

- means for detecting presence of personnel / firefighters (14) within a protected promises (12) at a real time [ fig.1-2, paragraphs 0012-0014 ];
- means for displaying by a computer monitor (46) the presence of the firefighters (14) within a protected promises at a real time [ fig.1-2, paragraphs 0013-0014 ];
- the computer monitor (46) is connected to input device / keypad / console (42) from the computer system is inherently (44) [ fig.1-2, paragraphs 0013-0014 ].

Regarding claim 34, McKay disclose a method for providing assistance to emergency personnel (30) / a building (12) is on fire condition [ fig.1-2, paragraphs 0013-0014 ] comprising:

- means for detecting presence of personnel / firefighters (14) within a protected promises (12) at a real time [ fig.1-2, paragraphs 0012-0014 ];
- means for displaying by a computer monitor (46) the presence of the firefighters (14) within a protected promises at a real time [ fig.1-2, paragraphs 0013-0014 ].

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Regarding claims 35-37 & 39, McKay disclose the method for providing assistance to emergency personnel (14) / a building (12) is on fire condition from the emergency fire truck (18) having a server (128) comprising a memory device for storing data information as each of the firefighter (14) having a tag (16,40) is attached for monitoring condition of firefighter in three positioning (32,33,34) [ fig.1-2,6, paragraphs 0014, 0019, 0022 ].

Regarding claim 38, McKay does teach the system is used for fire department could be included various environmental sensor as temperature, infrared, oxygen, gas or so on may connect to wearable computer (102) for firefighter to detecting the condition in the fire building (12) [ fig.5, paragraph 0018 ].

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKay Patent Application Publication (U.S. 2001/0036832) in view of Wiemeyer (U.S. 5,726,633).

Regarding claims 5-6, The reference of McKay does not specifically mention the detector includes ionization or photoelectric as claimed by the applicant.

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However, McKay does teach the system is used for fire department could be included various environmental sensor as temperature, infrared oxygen, gas or so on may connect to wearable computer (102) for firefighter to detecting the condition in the fire building (12) [ fig.5, paragraph 0018 ].

Furthermore, Wiemeyer teaches smoke detector having ionization and photoelectric detectors for discrimination of fire types [ col.1, lines 25-30 and line 40 to col.2, line 3 ].

Therefore, it would have been obvious to one having ordinary skill in the art to employ the teaching of Wiemeyer in the system of McKay for detecting fire condition which take into account the characteristic of different types of fires.

Regarding claims 7-8, Wiemeyer teaches the smoke detector having ionization and photoelectric detectors for discrimination of fire types also mentions a function of fuzzy logic and Boolean logic for signal processing of outputs of fire or smoke sensors as improved performance [ col.1, lines 25-54 ].

7. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKay Patent Application Publication (U.S. 2001/0036832) in view of Addy (U.S. 6,084,522).

Regarding claims 10-11, The reference of McKay does not specifically mention the detector includes thermistors as claimed by the applicant.

However, McKay does teach the system is used for fire department could be included various environmental sensor as temperature, infrared oxygen, gas or so on may connect to

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wearable computer (102) for firefighter to detecting the condition in the fire building (12) [ fig.5, paragraph 0018 ].

Furthermore, Addy teaches temperature sensing wireless smoke detector by using thermistor device (T1) for monitoring the temperature level [ fig.1. col.2, lines 45-52 and col.4, lines 31-32 ].

Therefore, it would have been obvious to one having ordinary skill in the art to utilize the teaching of Addy in the system of McKay for detecting / monitoring the temperature level in the fire building.

8. Claims 13-14 & 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKay Patent Application Publication (U.S. 2001/0036832) in view of Hackett (U.S. 4,035,798).

Regarding claims 13-14 & 24-25, The reference of McKay does not specifically mention the detector includes ultrasonic and microwave as claimed by the applicant.

However, McKay does teach the system is used for fire department could be included various environmental sensor as temperature, infrared oxygen, gas or so on may connect to wearable computer (102) for firefighter to detecting the condition in the fire building (12) [ fig.5, paragraph 0018 ].

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Furthermore, Hackett teaches a frequency of ultrasonic or microwave can be used in the detection system in the protected premises or building as desired [ fig.1, col.1, lines 56-63 and abstract ].

Therefore, it would have been obvious to one having ordinary skill in the art to employ the teaching of Kackett includes a frequency of ultrasonic or microwave in the system of McKay for detecting person in the fire building.

9. Claims 16 & 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKay Patent Application Publication (U.S. 2001/0036832) in view of Katz et al. (U.S. 6,188,318).

Regarding claims 16 & 27, The reference of McKay does not specifically mention the detector includes both passive infrared and microwave sensors as claimed by the applicant.

However, Mckay does teach the system is used for fire department could be included various environmental sensor as temperature, infrared oxygen, gas or so on may connect to wearable computer (102) for firefighter to detecting the condition in the fire building (12) [ fig.5, paragraph 0018 ].

Furthermore, Katz teaches a dual-sensing intrusion detection device which may includes both passive infrared or microwave sensors can be used in the detection system in the protected premises or building as desired [ fig.1, col.4, lines 48-60, col.5, lines 24-50 and abstract ].

Therefore, it would have been obvious to one having ordinary skill in the art to have the teaching of Katz in the system of McKay for detecting person in the fire building by at least two frequency signals.

9. Claims 19, 30 & 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKay Patent Application Publication (U.S. 2001/0036832) in view of Lepkofker et al. Patent Application Publication (U.S. 2004/0021569).

Regarding claims 19 & 30, The reference of McKay does not specifically mention the detector includes the display device for displaying the fire fighters on floor plan on the location are defined.

However, Mckay does teach the system is used for fire department may detect the presence of personnel / firefighters (14) within a protected promises (12) at a real time [ fig. 1-2, paragraphs 0012-0014 ];

- means for displaying by a computer monitor (46) the presence of the firefighters (14) within a protected promises at a real time [ fig. 1-2, paragraphs 0013-0014 ].

Furthermore, Lepkofker teaches a rescue system for tracking persons or things which can be used by firefighters includes a display device which could display firefighters (25) in any locations in the building includes floor plan or hallway location [ paragraphs 0036, 0051-0053 ]

Therefore, it would have been obvious to one having ordinary skill in the art to have the teaching of Lepkofker in the system of McKay for detecting & displaying the firefighters in any location building.

Regarding claim 33, McKay disclose a system (30) for providing assistance to emergency personnel (14) / a building (12) is on fire condition [ fig.1-2, paragraphs 0013-0014 ] comprising:

- means for detecting presence of personnel / firefighters (14) within a protected promises (12) at a real time [ fig.1-2, paragraphs 0012-0014 ];
- means for displaying by a computer monitor (46) the presence of the firefighters (14) within a protected promises at a real time [ fig.1-2, paragraphs 0013-0014 ];
- the system for providing assistance to emergency personnel (14) / a building (12) is on fire condition from a fire truck having a server (128) comprising a memory device for storing data information as each of the firefighter (14) having a tag (16,40) is attached for monitoring condition of firefighter in three positioning (32,33,34) at a real time period [ fig.1-2,6, paragraphs 0014, 0019, 0022 ];

McKay disclose the system for providing assistance to emergency personnel (14) / a building (12) is on fire condition from a fire truck having a server (128) comprising a memory device for storing data information as each of the firefighter (14) having a tag (16,40) is attached for monitoring condition of firefighter in three positioning (32,33,34) at a real time period [ fig.1-2,6, paragraphs 0014, 0019, 0022 ];

- the system is used for fire department could be included various environmental sensor as temperature, infrared, oxygen, gas or so on may connect to wearable computer (102) for firefighter to detecting the condition in the fire building (12) [ fig.5, paragraph 0018 ].

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- means for detecting the presence of personnel / firefighters (14) having a tag (16,40) within a protected premises (12) at a real time by a wireless signal / GPS receiver [ fig.1-2, paragraphs 0012-0014 ];
- means for displaying by a computer monitor (46) the presence of the firefighters (14) within a protected premises at a real time which having a circuit component / microprocessor in the computer system (44) is inherently [ fig.1-2, paragraphs 0013-0014 ].

The reference of McKay does not specifically mention the detector includes the display device for displaying the fire fighters on floor plan on the location are defined.

Furthermore, Lepkofker teaches a rescue system for tracking persons or things which can be used by firefighters includes a display device which could display firefighters (25) in any locations in the building includes floor plan or hallway location [ paragraphs 0036, 0051-0053 ]

Therefore, it would have been obvious to one having ordinary skill in the art to have the teaching of Lepkofker in the system of McKay for detecting & displaying the firefighters in any location building.

### **Conclusion**

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Berezowski et al. Patent Application Publication (U.S. 2005/0110632).



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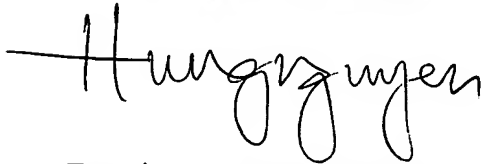
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung T. Nguyen whose telephone number is (571) 272-2982.

The examiner can normally be reached on Monday to Friday from 8:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hofsass, Jeffery can be reached on (571) 272-2981. The fax phone number for this Group is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

**HUNG NGUYEN**  
**PRIMARY EXAMINER**

A handwritten signature in black ink, appearing to read 'Hung Nguyen', written in a cursive style.

Examiner: Hung T. Nguyen

Date: August 5, 2005